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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,129	02/03/2004	Kazuya Sato	042078	7260

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EXAMINER

TRIEU, THERESA

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Office Action Summary**

Application No.

10/770,129

Applicant(s)

SATO ET AL.

Examiner

Theresa Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 3 is/are allowed.
- 6) ☒ Claim(s) 1, 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb. 3, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 05/26/04, 09/01/04.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

1. Figure 16 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by any one of Nishikawa et al. (Nishikawa) (Publication Number JP 2000-205164) or Fujio et al. (Fujio) (Publication Number JP 2002-276578).***

Regarding claim 4, Nishikawa (as shown in Fig.1) or Fujio (as shown in Figs. 1-3 and 9) discloses a rotary compressor having a driving element and first and second rotary compressing

Art Unit: 3748

elements driven by the driving element in a hermetically sealed vessel to discharge a gas, which has been compressed by the first rotary compressing element, into the hermetically sealed vessel, and compress the discharged gas of an intermediate pressure by the second rotary compressing element, the rotary compressor comprising: a first/second cylinder (33, 23 in Nishikawa; 10, 8 in Fujio) for constituting a first/second rotary compressing element (30, 20 in Nishikawa; 5, 4 in Fujio); an intermediate partitioner (not numbered; however, clearly seen in Fig. 1 in Nishikawa; 6 in Fujio) provided between the cylinders to partition the rotary compressing elements; supporting members (not numbered; however, clearly seen in Fig. 1 in Nishikawa; 26, 9 in Fujio) that close open surfaces of the cylinders and have bearings for the rotary shaft (15 in Nishikawa; 7 in Fujio) of the driving element; and an oil bore (not numbered; however, clearly seen in Fig. 1 in Nishikawa and Figs. 1-2, 9 in Fujio) formed in the rotary shaft, wherein a lubrication bore (not numbered; however, clearly seen in Fig. 1 in Nishikawa; 68, 368 in Fujio) for communication between the oil bore and a low-pressure chamber in the second cylinder (23 in Nishikawa; 4 in Fujio) is formed in the intermediate partitioner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebara et al. (Ebara) (Publication Number JP 2001-073977) in view of Ukai (Ukai et al.) (Publication Number JP 04-159489).***

Regarding claim 1, as shown in Figs. 1 and 2, Ebara discloses a rotary compressor having first and second rotary compressing elements driven by a rotary shaft of a driving element in a hermetically sealed vessel to discharge a refrigerant gas, which has been compressed by the first rotary compressing element, into the hermetically sealed vessel, and compress the discharged refrigerant gas of an intermediate pressure by the second rotary compressing element, the rotary compressor comprising: a first/second cylinder (40, 38) for constituting a first/second rotary compressing element (34, 32); a roller (48, 46) that is provided in each of the cylinders (40, 38) and fitted onto an eccentric member (44, 42) of the rotary shaft to eccentrically rotate; an intermediate partitioner (36) provided between the cylinders (40, 38) and the rollers (48, 46) to partition the rotary compressing elements; supporting members (56, 54) that close open surfaces of the cylinders and have bearings for the rotary shaft and an oil bore (82, 84) formed in the rotary shaft (16). However, Ebara fails to disclose a groove at the surface of the intermediate partitioner for communication between the oil bore and a low-pressure chamber in the second cylinder.

As shown in Figs. 1 and 2, Ukai teaches that it is conventional in the art to utilize a surface of the intermediate partitioner (8, 9) that is adjacent to the second cylinder (7) has a groove (45, 46) for communication between the oil bore (18, 41, 42) and a low-pressure chamber in the second cylinder, and the intermediate partitioner (8, 9) has a through bore (47) for communication between an interior of a hermetically sealed vessel and the inside of the rollers (6 – see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the groove at the intermediate partitioner and the intermediate having the through bore, as taught by Ukai in the Ebara apparatus, since the use thereof would have improved the lubrication in a contact part with a roller and improved the performance and the efficiency of the rotary compressor device.

***Allowable Subject Matter***

4. Claims 2 and 3 are allowed.

***Prior Art***

The IDS (PTO-1449) filed on May 26, 2004 and September 1, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Fujio (U.S. Patent Number 5,242,280), Yamasaki et al. (U.S. Patent Number 6,732,542), Matsunaga et al. (Publication Number JP 06-307364), and Matsumoto (Publication Number JP 2003-097476), each further discloses a state of the art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

Art Unit: 3748

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
January 4, 2006



Theresa Trieu  
Primary Examiner  
Art Unit 3748